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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT "D" ACCOMPANYING RCE

APPLICANTS: Tsuyonobu Hatazawa et al. ATTY DOCKET NO: 09792909-4673
SERIAL NO.: 09/718,767 GROUP ART UNIT: 1745
DATE FILED: November 22, 2000 EXAMINER: J. Crepeau
INVENTION: "NONAQUEOUS ELECTROLYTE BATTERY"

Hon. Assistant Commissioner for Patents
Washington, DC 20231

S I R:

This Amendment "D" is filed in response to the Final Office Action of October 25, 2002 and the Advisory Action of February 6, 2003, and accompanies an RCE Request. This Amendment "D" replaces the Amendment "C" After Final, which was not entered. Applicants respectfully note that the substance of this Amendment "D" is similar to Amendment "C", but includes a clean copy of the claims. Please reconsider the application in view of the amendment and remarks presented below.

IN THE CLAIMS

Please amend claim 1 as follows:

1. (Twice Amended) A nonaqueous electrolyte battery comprising:
- a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal;
 - a gas absorbable material and resin material interposed between an outermost layer of said outer covering member and said battery element, a content of the gas absorbable material being in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material;
 - a first gas absorbable member positioned at a first side of the battery element; and
 - a second gas absorbable member positioned at a second side of the battery element opposite the first side.

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Asst. Commissioner for Patents, Washington, D.C. 20231 on February 24, 2003.

Christopher P. Rauch (Reg. No. 45,034)
Christopher P. Rauch